

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SHAMAR JOHNSON, *on behalf of himself
and all others similarly situated,***

Plaintiffs,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

24-cv-7212 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of Plaintiffs' proposed orders to show cause for emergency relief of the issuance of summons (ECF Nos. 2-5). Plaintiffs' request is **DENIED** as moot. Plaintiff filed this action on behalf of himself and all others similarly situated pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth, Fifth, and Fourteenth Amendments of the U.S. Constitution and the laws of the State of New York on September 24, 2024. ECF No. 1.

Because jurisdiction here is based upon federal question, the simple filing of the Complaint is sufficient to stop the clock for statute of limitations purposes. *See Eastman v. Norton*, No. 1:14-cv-00103-jgm, 2015 U.S. Dist. LEXIS 24141, at *4 (D. Vt. Feb. 25, 2015) ("[W]hen the underlying cause of action is based on federal law and a court borrows a state limitations period, the action is not barred if it has been commenced in compliance with Fed. R. Civ. P. 3 within the borrowed period.") (citing *West v. Conrail*, 481 U.S. 35, 39, 107 S. Ct. 1538, 95 L. Ed. 2d 32 (1987)) (cleaned up). Filing of the Complaint is sufficient under Fed. R. Civ. P. 3 to commence this action.

SO ORDERED.

Dated: September 25, 2024
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge